IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6781 OF 2005

Sanjay @ Baban Dattatraya @
Dudu Patil ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri N.N. Gawankar i/by Mr Arfan Sait for the Applicant.
Shri A.S. Gadkari, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 25, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State. Offence was registered on 13th February, 1996 under sections 395, 397 read with section 34 of the Indian Penal Code at Panvel City Police Station. The Applicant was arrested on 20th June, 2005 in connection with the said offence which was registered in the year 1996.

2. The learned Advocate for the Applicant submitted that the Applicant was not absconding and was very much available. He pointed out that the police have not arrested the Applicant for such a long time for the reasons known to them. He pointed out that the trial against the co-accused has been already concluded and accused Nos.2 to 4 have been convicted by Judgment and Order dated 19th March, 2001. He pointed out that the

accused No.2 preferred Criminal Appeal No.198 of 2001 in this Court against the order of conviction and after admitting the Appeal, the said co-accused has been ordered to be enlarged on bail.

3. The learned A.P.P. submitted that the Applicant was not available for about five years and therefore, he could not be arrested. The learned A.P.P. however, stated that there is no record available to show that the Applicant was absconding.

4. If for the offence of the year 1996, the Applicant has been arrested in the year 2005, surely, a case is made out for enlarging the Applicant on bail especially when the trial of the co-accused has been concluded and after conviction the principal accused has been enlarged on bail in an Appeal preferred by him in this Court.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.I-61 of 1996 registered with Panvel City Police Station, District Raigad,** subject

to furnishing a personal bond of **Rs.10,000/-** one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will report to the concerned Police Station on first Sunday of every calendar month till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE